

PATENT
APPLICATION
CS8582
LeA 36,354



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
RALF DUNKEL ET AL) GROUP NO: 1626
SERIAL NO.: 10/544,897) EXAMINER: R. H. Havlin
FILED: FEBRUARY 2, 2006)
TITLE: OXATHIINCARBOXAMIDES)
)
)
)

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Arnd Voerste of Mozartstrasse 3-5, 50674 Cologne, Germany, a citizen of Germany, declare as follows:

1. I am a chemist having studied at the University of Muenster, Germany, where I received the degree of doctor rer. nat. in the year 1994; I specialized in the field of pharmaceutical chemistry (alkaloid synthesis); and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1995, where I have been employed in the department for the Central Research at Leverkusen, Germany, later then in the department for the Chemical Research Fungicides at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application.

Example

Sphaerotheca test (cucumber) / preventive

Solvent: 49 parts by weight of N, N - Dimethylformamide

Emulsifier: 1 part by weight of Alkylarylpolyglycolether

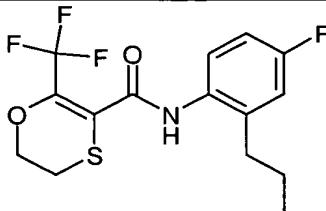
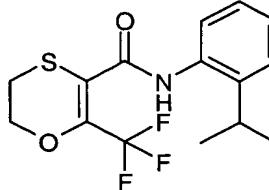
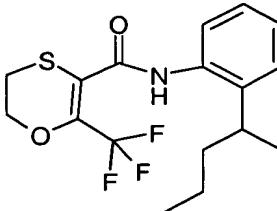
To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for preventive activity, young plants are sprayed with the preparation of active compound at the stated rate of application. One day after this treatment, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. Then the plants are placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70 %.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

Table

Sphaerotheca test (cucumber) / preventive

Active compound <u>Known from Hahn et al.:</u>	Rate of application of active compound in ppm	Efficacy in %
	500	0
Compound 53 	500	0
<u>According to the invention:</u>		
Ex. 39 	500	94

Example

Alternaria test (tomato) / preventive

Solvent: 49 parts by weight of N, N - Dimethylformamide

Emulsifier: 1 part by weight of Alkylarylpolyglycoether

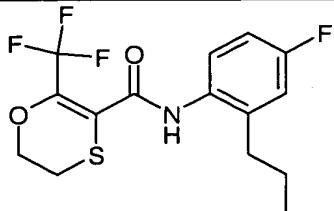
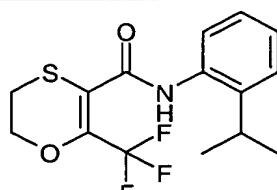
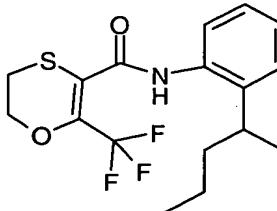
To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for preventive activity, young plants are sprayed with the preparation of active compound at the stated rate of application. One day after this treatment, the plants are inoculated with an aqueous spore suspension of *Alternaria solani*. The plants remain for one day in an incubation cabinet at approximately 22°C and a relative atmospheric humidity of 100%. Then the plants are placed in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of 96%.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control while an efficacy of 100% means that no disease is observed.

Table

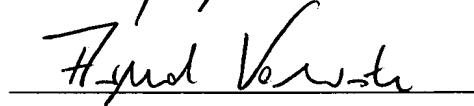
Alternaria test (tomato) / preventive

Active compound <u>Known from Hahn et al:</u>	Rate of application of active compound in ppm	Efficacy in %
	500	0
Compound 53 	500	0
<u>According to the invention:</u>		
Ex. 39 	500	95

4. The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code
and that such willful false statements may jeopardize the validity of the application or
any patent issuing therefrom.

Signed at Monheim, this 22 day of September, 2008.



Arnd Voerste